

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : HABETHA, et al.
Serial No. : 10/597,543
Filed : July 28, 2006
Art Unit : 2617
Examiner : AJIBADE AKONAI, OLUMIDE
Att. Docket : 2004P00388WOUS
Confirmation No. : 2516

REPLY TO EXAMINER'S ANSWER
On Appeal from Group Art Unit 2617

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Sir:

This Reply Brief is submitted by the Appellants in response to the Examiner's Answer dated March 01, 2012.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 1, 3-5, 7, 9, 11, 12, 14, 15, 19, 27, 28, and 33 are properly rejected under 35 U.S.C. §102(e) as anticipated by Kondylis et al. 6,665,311 ("Kondylis").
- B. Whether claims 22, 35, and 37 are properly rejected as noted on box 6 of the Office Action Summary page.

ARGUMENT IN RESPONSE TO THE EXAMINER'S ANSWER

This Reply Brief is in response to the Examiner's Answer dated March 01, 2012. Reconsideration of this application is respectfully requested in view of the following remarks, all of the arguments in the appeal brief and prior responses.

A. Claims 1, 3-5, 7, 9, 11, 12, 14, 15, 19, 27, 28, and 33 are not properly rejected under 35 U.S.C. §102(e) as being anticipated by Kondylis.

1. Claim 1

Independent claim 1 requires:

A method of decentralized medium access control in a communications network including a plurality of devices, comprising:

dividing time into a sequence of at least one superframe; and

*a first device of said plurality of devices transmitting in the superframe at a target beacon transmission time (TBTT) **a beacon frame that includes a reservation for a planned transmission by a sender device during the superframe.***
[Emphasis added].

On page 10 of the Examiner's Answer the Examiner responds to Appellants' arguments. Appellants' note the Examiner never refuted Appellants' contention that Kondylis does not teach or suggest a *beacon frame*.

Appellants' claim 1 recites in part a *beacon frame* that includes a reservation for a planned transmission by a sender device during the superframe. The Examiner simply focuses on the claimed portion reciting: reservation for a planned transmission by a sender device during the superframe. The Examiner equates a function in Kondylis as being equivalent to only the features of the reservation, but never points out where Kondylis teaches a beacon frame including the claimed features of the reservation.

The Examiner states: "The signaling subframe as disclosed in Kondylis performs the exact same function as the appellants "beacon frame", which is to indicate in the other nodes in the network of a planned transmission in a particular data slot of the superframe (col. 7, lines 46-55). Therefore, the examiner maintains that reservation request is equivalent to the applicants' limitation of a "beacon frame" as recited in claim 1."

However, Kondylis does not disclose a beacon frame. As described in Appellants' specification, page 2, all devices are required to regularly transmit a beacon 105, in order to maintain coordination between communicating devices. Beacon 105 provides the basic timing for the network and transmits information regarding the isochronous reservations.

See also Appellants' specification page 7 which recites: The frame body of a beacon 105 comprises the following fields and information elements (IE), as illustrated in FIG. 4: Slot Number 401; Device Identifier 402; MAC address 403; and a certain number of Information Elements (IEs) 404.

Furthermore, Appellants' use and definition of a beacon frame is consistent with the definition of one of ordinary skill in the art.

Thus, Kondylis fails to teach a beacon frame that includes a reservation for a planned transmission by a sender device during the superframe.

According to the MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." Brown v. 3M, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.< "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an

ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). See MPEP § 2131.01.

In view of the above, Appellants respectfully submit that Kondylis does not disclose each and every feature of claim 1, and thus claim 1 is not anticipated by Kondylis. Therefore, it is respectfully requested that the Board reverse the rejection of claim 1 under 35 U.S.C. §102(e).

2. Claims 3-5, 7, 9, 11, 12, 14, 15, 19, 27, 28, and 33

Each of claims 3-5, 7, 9, 11, 12, 14, 15, 19, 27, 28, and 33 ultimately depends from claim 1. Furthermore, each dependent claim includes additional distinguishing features. For each dependent claim, Appellants apply the above arguments from claim 1. Thus, Appellants respectfully submit that the rejections of claims 3-5, 7, 9, 11, 12, 14, 15, 19, 27, 28, and 33 under 35 U.S.C. 102(e), are unfounded and should be reversed.

B. Claims 22, 35, and 37 are not properly rejected as noted on box 6 of the Office Action Summary page.

1. Claims 22, 35, and 37

In the Office Action dated June 17, 2010, independent claims 35 and 37 were allowed and dependent claim 22 was allowable if rewritten in independent form. However, in the Office Action dated February 1, 2011, claims 22, 35, and 37 were

rejected under 35 USC 112, second paragraph because of insufficient antecedent basis of certain features as recited in the respective claims.

In Appellants' response dated April 29, 2011, claims 22, 35, and 37 were amended to sufficiently address the antecedent basis issues in the respective claims.

However, in the final Office Action dated July 27, 2011, claims 22, 35, and 37 are rejected as noted on box 6 of the Office Action Summary page.

Appellants respectfully submit that the antecedent basis issues of claims 22, 35, and 37 have been sufficiently addressed, and therefore the rejections of claims 22, 35, and 37 are unfounded and should be reversed.

CONCLUSION

In light of the above, Appellants respectfully submit that the rejections of claims 1, 3-5, 7, 9, 11, 12, 14, 15, 19, 22, 27, 28, 33, 35, and 37 are in error, legally and factually, and must be reversed.

Respectfully submitted,

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